

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

02 MAR -4 PM 2:27

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM

Rio Nutrias, Section 3

ANSWER TO COMPLAINT FOR ADJUDICATION OF WATER RIGHTS

COMES NOW Anthony Gilbert Tafoya II (please print your full name)
ANTHONY TAFOYA II

and answers the complaint as follows:

Subfile No

CHNU-002-0003

Object

☒

Claim No Right

☐

1. In answer to Complaint: For each subfile listed above, please **initial** in one of the two boxes to indicate whether you object to the description of water right(s) contained in the State's proposed Consent Order, or whether you make no claim as to the water right(s) described in the State's proposed Consent Order.

If you object to the description of water right(s) and reject the State's proposed Consent Order, or if you make no claim as to the water right(s) set forth in the State's proposed Consent Order for any of the Subfile Numbers listed above, for each such Subfile Number please explain in the appropriate spaces below.

I object to the description of the water right(s) described by Subfile Number(s) CHNU-0020003
because
incorrect distance C-4-3 was mapped as
"No right" due to the photo used - 0002

RECEIVED

FEB 28 2002

OFFICE OF THE STATE ENGINEER
LEGAL SERVICES DIVISION

6588

This property was used for livestock pasture and had large willow cover. Area included various grasses - mainly in livestock. Area was cleared in 1998-99 in order to allow for additional planting of native grasses. Vegetation which is clear in all photos.

(Attach additional pages if necessary)

I made a good faith effort to resolve my disagreement with the State's proposed Consent Order by

requesting field personnel to revisit area.

Field personnel could not indicate if right exists due to willow coverage in photos.

I believe that had the process been started earlier this area would not be in question at this time. Improvements for a large field were started in 1998-99 with clearing & planting.

(Attach additional pages if necessary)

I claim no right for the water right(s) described by Subfile Number(s) _____ because _____

(Attach additional pages if necessary)

2. I understand that by making this claim and filing this document I am not waiving my rights to later raise, in an Amended Answer, any jurisdictional or affirmative defenses I may have.

Dated: 2 20 / 02


(Signature - ANTHONY TAFOYA II)

Anthony "Gilbert" Tafoya II

P.O. Box 222

T. 6220 Amarillo, NM 87575

(Address: Print Clearly)

(505) 588-0052

(Phone Number: Print Clearly)

IMPORTANT: If you have been served with a summons and copy of the complaint in this action, or if you have waived service of process, you must file an answer in the United States District Court for the District of New Mexico within 20 days after being served with the summons and complaint, or if service of the summons has been timely waived on request under rule 4(d), within 60 days after the date when the request for waiver was sent, or within 90 days after that date if the defendant was addressed outside any judicial district of the United States. Any right you may have to use waters of the stream system may be adjudicated by default judgment in conformity with the State's proposed Consent Order if you fail to file an answer. The court's address is: 333 Lomas NW, Suite 270, Albuquerque, NM 87102, or P.O. Box 2384, Santa Fe, NM 87504. A copy of the answer filed with the district court must also be sent to the Office of the State Engineer, Legal Services Division, P.O. Box 25102, Santa Fe, NM 87504-5102.